

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERALD WINGEART,

Petitioner,

v.

Case Number 05-74144
Honorable David M. Lawson

MILLICENT WARREN,

Respondent.

ORDER DENYING THE PETITIONER'S REVISED MOTION FOR DISCOVERY

The matter is before the Court on the petitioner's revised motion for discovery. The petitioner ask for production of various records from the Michigan State Police to support his claim of judicial bias.

“Habeas petitioners have no right to automatic discovery.” *Williams v. Bagley*, 380 F.3d 932, 974 (6th Cir. 2004) (quoting *Stanford v. Parker*, 266 F.3d 442, 460 (6th Cir. 2001)). Rather, Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts permits a court to authorize discovery only upon a showing of good cause. *Id.* “Rule 6 embodies the principle that a court must provide discovery in a habeas proceeding only ‘where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief.’” *Id.* (quoting *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997)).

The petitioner has not shown good cause to depart from the usual procedure disallowing discovery in habeas cases and has not shown a need in ordering discovery beyond the Rule 5 materials.

Accordingly, it is **ORDERED** that the petitioner's motion for discovery [dkt. # 64] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 5, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 5, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL